

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RODNEY JEROME WOMACK,

Petitioner,

v.

WARDEN,

Respondent.

Case No. 18-01636 BLF (PR)

**ORDER DENYING MOTION FOR
DEFAULT**

(Docket No. 12)

Petitioner, a California prisoner, filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his state conviction. On July 17, 2018, Petitioner filed a motion for default against Respondent for failure to answer in the time provided. (Docket No. 12.)

The Court's Order to Show Cause was issued on May 16, 2018, and it directed Respondent to file a response within sixty (60) days of the issuance of the order. (Docket No. 7 at 4.) Because the deadline fell on July 15, 2018, which is a Sunday, Respondent had until the next business day, i.e., July 16, 2018, to file a timely response. The motion is DENIED because Respondent filed a timely response on July 16, 2018. (Docket No. 11.) Accordingly, Respondent is not in default.


Petitioner is advised that his opposition to Respondent's motion is currently due

1 within twenty-eight (28) days of receipt of the motion in accordance with the briefing
2 schedule set forth in the Court's Order to Show Cause. (Docket No. 7 at 4.) Respondent's
3 reply is due within fourteen (14) days of receipt of any opposition. (*Id.*)
4

5 This order terminates Docket No. 12.

6 **IT IS SO ORDERED.**

7 **Dated:** 7/27/2018


BETH LABSON FREEMAN
United States District Judge